IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 16133 of 2006

DATE OF DECISION: 16.10.2006

Raj Kumar ..Petitioner

Versus

The State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. H.S. Mattewal, Senior Advocate with
Mr. R.S. Virk, Advocate
for the petitioner.

Mr. Ashok Aggarwal, Additional Advocate General, Punjab.

J.S. Khehar, J. (oral)

On the last date of hearing i.e. on 16.10.2006, we had requested Mr. Ashok Aggarwal, Additional Advocate General, Punjab, to inform us whether or not rule 12.14(3) of the Punjab Police Rules, 1934, continued to exist in the statutory rules, in view of the fact that we were of the opinion, that the aforesaid provision had been set aside by the Supreme Court as ultra vires the provisions of the Constitution of India.

Mr. Ashok Aggarwal, Additional Advocate General, Punjab, has today produced for our consideration the decision rendered by the Apex Court in Yogender Pal Singh and others V. Union of India and others, 1987 (1) Services Law Reporter 379, wherein rule 12.14(3) of the Punjab Police Rules, 1934, has been held to be ultra vires of Article 16 of the Constitution of India.

In view of the above, since the claim raised by the petitioners is solely based on rule 12.14(3) of the Punjab Police Rules, 1934, we are satisfied that the same is wholly misconceived in view of the decision rendered in Yogender Pal Singh's case (supra).

Dismissed.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

October 16, 2006.
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